

# **JOURNAL OF THE SENATE**

## **EIGHTY-NINTH SESSION**

---

TENTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Wednesday, January 29, 2014

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Fr. Kristopher Cowles , followed by the Pledge of Allegiance led by Senate page Jacob Schoenbeck.

Roll Call: All members present.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the ninth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Corey Brown, Chair

Which motion prevailed.

**HONORED GUESTS**

The President introduced Shana Davis, an English teacher at Riggs Academy, an alternative-education site, in Pierre, SD, the 2013 South Dakota Milken Educator; and

LuAnn Lindskov, Timber Lake High School, Timber Lake, SD, the 2014 South Dakota Teacher of the Year, to the body.

**COMMUNICATIONS AND PETITIONS**

January 16, 2014

The Honorable Matt Michels  
President of the Senate  
State Capitol  
Pierre, SD 57501

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of Chapter 41-2, of the South Dakota Codified Laws and subject to your consent, I am honored to inform you that I have appointed Herman P. Dennert, Brown County, Columbia, South Dakota, to the Game, Fish and Parks Commission.

This appointment is effective immediately and shall continue until January 10, 2018.

Sincerely,  
Dennis Daugaard  
Governor

The President announced the referral of the appointment to the Committee on Agriculture and Natural Resources.

**REPORTS OF STANDING COMMITTEES**

MR. PRESIDENT:

The Committee on Health and Human Services respectfully reports that it has had under consideration HB 1017, 1018, and 1024 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

Respectfully submitted,  
Jean M. Hunhoff, Chair

1 Also MR. PRESIDENT:

2 The Committee on Local Government respectfully reports that it has had under  
3 consideration SB 65 and returns the same with the recommendation that said bill do pass.

4 Also MR. PRESIDENT:

5 The Committee on Local Government respectfully reports that it has had under  
6 consideration SB 73 which was deferred to the 41<sup>st</sup> Legislative Day.

7 Respectfully submitted,  
8 Mark Kirkeby, Chair

9 Also MR. PRESIDENT:

10 The Committee on Transportation respectfully reports that it has had under consideration  
11 SB 58 and HB 1037 and returns the same with the recommendation that said bills do pass and  
12 be placed on the consent calendar.

13 Respectfully submitted,  
14 Mike Vehle, Chair

15 Also MR. PRESIDENT:

16 The Committee on State Affairs respectfully reports that it has had under consideration  
17 HB 1016, 1026, and 1027 and returns the same with the recommendation that said bills do pass  
18 and be placed on the consent calendar.

19 Also MR. PRESIDENT:

20 The Committee on State Affairs respectfully reports that it has had under consideration the  
21 nomination of Matthew P. Jamison of Minnehaha County, Sioux Falls, South Dakota, to the  
22 position of Assistant Adjutant General, Air and returns the same with the recommendation that  
23 the Senate advise and consent to the confirmation of said appointment.

24 Also MR. PRESIDENT:

25 The Committee on State Affairs respectfully reports that it has had under consideration the  
26 nomination of Kevin R. Griesse of Hughes County, Pierre, South Dakota, to the position of

Assistant Adjutant General, Army, and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment.

Respectfully submitted,  
Larry Rhoden, Chair

## REPORT OF JOINT-SELECT COMMITTEE

MR. PRESIDENT:

Your Joint-Select Committee appointed on joint rules respectfully reports that it has had under consideration the joint rules and recommends that the joint rules of the Eighty-eighth Legislative Session be adopted as the joint rules of the Eighty-ninth Legislative Session with the following changes:

Amend Section 3-4 of the Joint Rules as follows:

**3-4. Engrossing and enrolling.** The engrossing and enrolling duties of the Legislative Research Council are:

(1) To engross and enroll all bills delivered to them;

(2) To provide and supervise secretarial assistance to legislators as requested;

(3) To collect from the secretaries of all standing and special committees the minutes of such committees and retain them in the Legislative Research Council Library; and

(4) To correct clerical errors, with the consent of the ~~secretary of the Senate or chief clerk of the House of Representatives~~ code counsel, in any bill ~~originating in the house by which they are employed~~. Clerical errors which may be corrected are: errors in spelling, errors in numbering sections, errors of omission or commission due to addition or deletion of material, and errors due to copying incorrectly from the most recent statute. The ~~secretary of the Senate and the chief clerk of the House~~ code counsel shall inform the principal sponsor of ~~all such corrections~~ each correction.

Amend Chapter 5 of the Joint Rules as follows:

**5-1.1. Amendments proposing penalties.** Any attempt to offer an amendment, whether in committee or on the floor, that requires a fiscal impact statement shall be ruled out of order unless offered with a preexisting fiscal impact statement.

**5-9. Division of the question.** Any member may call for a division of the question. The presiding officer shall divide the question if it contains questions so distinct that, one being taken away, the rest may stand as a separate proposition. A motion for division of the question is not in order on a bill which is before either house for final disposition.

1 Amend Chapter 6 of the Joint Rules as follows:

2 **6B-1.1 Withdrawal of bills.** The provisions of 6B-1 and 6D-1 notwithstanding, prior to the  
3 first committee hearing in the house of origin, the prime sponsor of any bill or resolution may  
4 withdraw any bill or resolution in the house of origin with the approval of the presiding officer.  
5 The presiding officer shall then declare the bill or resolution formally withdrawn and shall order  
6 that an entry be made in the bill status so stating.

7 **6C-1. Bills and resolutions that require fiscal notes.** ~~Any A~~ bill or resolution prefiled or  
8 introduced which has an effect on the revenues, expenditures, or fiscal liability of the state shall  
9 or any political subdivision of the state may include a fiscal note incorporating an estimate of  
10 such the effect. This rule does not apply to the cost of legislative processing, or any  
11 appropriation measures bill carrying with specific dollar amounts. A fiscal note is an estimate  
12 of the fiscal implications relating to revenues, expenditures or debt and the probable cost of the  
13 bill or resolution. In preparing the fiscal note, the Director of the Legislative Research Council  
14 may use information or data supplied by any person, agency, organization, or governmental unit  
15 that the director deems reliable. The director shall state the sources of the information or data  
16 used and may state the extent to which the director relied on the information or data in preparing  
17 the fiscal note. If the director is unable to acquire or develop sufficient information or data to  
18 prepare a fiscal note, the director may prepare the fiscal note stating that fact, and the fiscal note  
19 shall be deemed to comply with this rule. If the director determines that the fiscal impact of a  
20 bill or resolution cannot be determined, the director may prepare the fiscal note stating that fact,  
21 and the fiscal note shall be deemed to comply with this rule.

22 This rule does not apply to fiscal impact statements required by §§ 2-1-19 and 2-1-20.

23 **6C-1.1. Request for fiscal note by any member.** ~~A fiscal note may be requested by any~~  
24 ~~member if supported by one-fifth of the members of the house in which the bill or resolution~~  
25 ~~is to be considered, at the time of the second reading, if the bill or resolution has an effect on~~  
26 ~~the revenues, expenditures, or fiscal liability of the state. However, the request shall not extend~~  
27 ~~final consideration of the bill over two days beyond the last day for passage from the house of~~  
28 ~~origin;~~

29 (1) The presiding officer when a bill or resolution is introduced;

30 (2) The chair of the standing committee possessing the bill or resolution;

31 (3) A majority vote of the standing committee possessing the bill or resolution; or

32 (4) A legislator, if the legislator is supported by a vote of one-fifth of the body before the  
33 second reading of the bill or resolution.

34 ~~**6C-2. Legislative Research Council to prepare fiscal notes.** If the presiding officer~~  
35 ~~determines a bill or resolution requires a fiscal note at the time of introduction, the presiding~~  
36 ~~officer shall request the Director of the Legislative Research Council to prepare the fiscal note;~~  
37 ~~in consultation with the Bureau of Finance and Management. The Director of the Legislative~~  
38 ~~Research Council shall prepare a fiscal note for prefiled bills or resolutions.~~

~~6C-3~~ **6C-2. Deferral of bills without fiscal note.** The original copy of a bill or resolution for which a fiscal note has been requested shall be stamped by the bill clerk with the initials "F.N." before referral to a committee. If ~~such the~~ bill or resolution is reported back ~~to the house~~ without a fiscal note, the presiding officer shall defer placing the bill or resolution on the calendar until the requested fiscal note is received. ~~unless in~~ However, the presiding officer may place the bill or resolution on the calendar if the presiding officer determines ~~officer's opinion~~ a fiscal note is no longer required.

~~6C-4. Committees may request fiscal note.~~ If the presiding officer has not requested a fiscal note on a bill or resolution having a fiscal effect, the committee, or its chair, considering the bill or resolution may request a fiscal note. The committee may request an amended fiscal note if a bill or resolution is amended.

~~6C-5~~ **6C-3. Attaching fiscal note to bill.** If a fiscal note is available, it shall be attached by the ~~Office of Engrossing and Enrolling~~ bill clerk at the end of the original copy of the bill or resolution.

~~6C-6. Local government fiscal notes.~~ In addition, if requested by the presiding officer or any legislator, a bill or resolution which has an effect on the revenues, expenditures, or fiscal liability of any political subdivision of the state shall have attached a fiscal note, prepared by the Director of the Legislative Research Council, in consultation with the Bureau of Finance and Management.

~~6C-7~~ **6C-4. Retirement system actuarial statement.** Each bill introduced affecting the benefits payable by the state or a local government retirement system shall have an actuarial statement ~~requested by the sponsor and~~ attached to the bill. The actuarial statement shall be requested from the governing board of the retirement system affected and the statement shall identify the costs of the proposed change in the law as stated by the actuary for the affected retirement plan. If there is a doubt as to the need for an actuarial statement, the presiding officer shall make the final decision. After the bill is introduced, the ~~Chief of Enrolling and Engrossing~~ bill clerk shall attach the actuarial statement to the original bill.

**6H-1. Introduction of commemorations.** Any member may introduce a legislative commemoration, which may be cosponsored by other members of either house, by filing it with the bill clerk of that member's house. The prime sponsor shall submit all necessary information to the legislative research council prior to introduction. However, no member may introduce a legislative commemoration ~~during the last three legislative days of the session~~ after the deadline prescribed by Joint Rule Chapter 17.

**CHAPTER 17. LEGISLATIVE DEADLINES**

<b>Legislative Deadlines</b>		
<b>Legislative Action</b>	<b>40 Day Session</b>	<b>35 Day Session</b>
Final day for introduction of individual bills and joint resolutions	15 <sup>th</sup> Day	10 <sup>th</sup> Day
Final day for introduction of committee bills and joint resolutions*	16 <sup>th</sup> Day	11 <sup>th</sup> Day
Last day upon which Joint Rule 5-17 can be invoked on a bill or resolution in either house	26 <sup>th</sup> Day	21 <sup>st</sup> Day
Last day to move required delivery of bills or resolutions by a committee to the house of origin*	27 <sup>th</sup> Day	22 <sup>nd</sup> Day
Last day to pass bills or joint resolutions by the house of origin*	28 <sup>th</sup> Day	23 <sup>rd</sup> Day
Final day for introduction of concurrent resolutions and commemorations	28 <sup>th</sup> Day	<u>23<sup>rd</sup> Day</u>
During the seven final legislative days motions to reconsider and reconsideration being made upon the same day (any time before adjournment)	34 <sup>th</sup> Day on	29 <sup>th</sup> Day on
Last day to move required delivery of bills or resolutions by a committee to the second house*	35 <sup>th</sup> Day	30 <sup>th</sup> Day
Last day for a bill or joint resolution to pass both houses*	36 <sup>th</sup> Day	31 <sup>st</sup> Day
Two days preceding the final two days of a legislative session shall be reserved for concurrences or action upon conference committee reports	37 <sup>th</sup> Day 38 <sup>th</sup> Day	32 <sup>nd</sup> Day 33 <sup>rd</sup> Day
The final day of a legislative session is reserved for the consideration of vetoes	40 <sup>th</sup> Day	35 <sup>th</sup> Day
* This deadline does not apply to the general appropriations bill.		

The joint rules and the rules of the Senate and House shall be printed in the House Journal.

Respectfully submitted,  
 Brian Gosch  
 David Lust  
 Bernie Hunhoff  
 House Committee

Respectfully submitted,  
 Corey Brown  
 Tim Rave  
 Jason Frerichs  
 Senate Committee

Sen. Rave moved that the report of the Joint-Select Committee relative to the Joint Rules for the Eighty-ninth Legislative Session as found on page 144 of the Senate Journal be adopted.

The question being on Sen. Rave's motion that the report of the Joint-Select Committee relative to the Joint Rules for the Eighty-ninth Legislative Session as found on page 144 of the Senate Journal be adopted.

1 And the roll being called:

2 Yeas 35, Nays 0, Excused 0, Absent 0

3 Yeas:

4 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
5 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
6 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
7 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

8 So the motion having received an affirmative vote of a majority of the members-elect, the  
9 President declared the motion carried.

10 Sen. Rave moved that the temporary Senate Rules of the Eighty-ninth Legislative Session  
11 be adopted as the permanent Senate Rules of the Eighty-ninth Legislative Session.

12 The question being on Sen. Rave's motion that the temporary Senate Rules of the Eighty-  
13 ninth Legislative Session be adopted as the permanent Senate Rules of the Eighty-ninth  
14 Legislative Session.

15 And the roll being called:

16 Yeas 35, Nays 0, Excused 0, Absent 0

17 Yeas:

18 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
19 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
20 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
21 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

22 So the motion having received an affirmative vote of a majority of the members-elect, the  
23 President declared the motion carried.

24 **MESSAGES FROM THE HOUSE**

25 MR. PRESIDENT:

26 I have the honor to transmit herewith HCR 1006 and 1007 which have been adopted by the  
27 House and your concurrence is respectfully requested.



1 Also MR. PRESIDENT:

2 I have the honor to transmit herewith HB 1009, 1010, 1013, 1022, 1032, 1036, 1046, 1049,  
3 1057, and 1070 which have passed the House and your favorable consideration is respectfully  
4 requested.

5 Respectfully,  
6 Arlene Kvislen, Chief Clerk

7 **MOTIONS AND RESOLUTIONS**

8 Sen. Brown moved that the Executive Re-appointments of Marilyn Hoyt and Glenna N.  
9 Fouberg to the South Dakota Board of Education be deferred to Thursday, January 30, the 11<sup>th</sup>  
10 Legislative day.

11 Which motion prevailed.

12 Sen. Brown moved that SB 90 be referred from the Committee on State Affairs to the  
13 Committee on Appropriations.

14 Which motion prevailed.

15 HCR 1006: A CONCURRENT RESOLUTION, Recognizing the anniversary of the  
16 addition of the words "under God" to the United States Pledge of Allegiance.

17 Was read the first time, the President waived the referral to committee, and placed  
18 HCR 1006 on the calendar of Thursday, January 30, the 11th legislative day.

19 HCR 1007: A CONCURRENT RESOLUTION, Petitioning Congress to provide for an  
20 audit of the Federal Reserve Bank.

21 Was read the first time, the President waived the referral to committee, and placed  
22 HCR 1007 on the calendar of Thursday, January 30, the 11th legislative day.

23 HCR 1004: A CONCURRENT RESOLUTION, Recognizing Hot Springs as "The  
24 Veterans Town."

25 Was read the second time.

1 Sen. Rampelberg moved that the Senate do concur in HCR 1004 as found on page 77 of  
2 the House Journal.

3 The question being on Sen. Rampelberg's motion that HCR 1004 be concurred in.

4 And the roll being called:

5 Yeas 35, Nays 0, Excused 0, Absent 0

6 Yeas:

7 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
8 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
9 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
10 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

11 So the motion having received an affirmative vote of a majority of the members-elect, the  
12 President declared the motion carried and HCR 1004 was concurred in.

### 13 CONSIDERATION OF EXECUTIVE APPOINTMENTS

14 The Senate proceeded to the consideration of the executive appointment of Lucas Lentsch  
15 of Hughes County, Pierre, South Dakota, to the position of Secretary of the Department of  
16 Agriculture.

17 The question being "Does the Senate advise and consent to the executive appointment of  
18 Lucas Lentsch pursuant to the executive message as found on page 23 of the Senate Journal?"

19 And the roll being called:

20 Yeas 33, Nays 2, Excused 0, Absent 0

21 Yeas:

22 Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff  
23 (Jean); Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;  
24 Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Solano;  
25 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

26 Nays:

27 Begalka; Jensen

28 So the question having received an affirmative vote of a majority of the members-elect, the  
29 President declared the appointment confirmed.

30 The Senate proceeded to the consideration of the executive appointment of Kevin V.  
31 Schieffer of Lincoln County, Sioux Falls, South Dakota, to the State Board of Regents.

1       The question being "Does the Senate advise and consent to the executive appointment of  
2 Kevin V. Schieffer pursuant to the executive message as found on page 124 of the Senate  
3 Journal?"

4       And the roll being called:

5       Yeas 34, Nays 0, Excused 1, Absent 0

6       Yeas:

7 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
8 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
9 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
10 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; Welke; White

11       Excused:

12 Van Gerpen

13       So the question having received an affirmative vote of a majority of the members-elect, the  
14 President declared the appointment confirmed.

15       The Senate proceeded to the consideration of the executive appointment of Joseph Schartz  
16 of Minnehaha County, Humboldt, South Dakota, to the State Board of Regents.

17       The question being "Does the Senate advise and consent to the executive appointment of  
18 Joseph Schartz pursuant to the executive message as found on page 124 of the Senate Journal?"

19       And the roll being called:

20       Yeas 34, Nays 0, Excused 1, Absent 0

21       Yeas:

22 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
23 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
24 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
25 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; Welke; White

26       Excused:

27 Van Gerpen

28       So the question having received an affirmative vote of a majority of the members-elect, the  
29 President declared the appointment confirmed.

30       The Senate proceeded to the consideration of the executive appointment of Bob L. Sutton  
31 of Hughes County, Pierre, South Dakota, to the State Board of Regents.

1 The question being "Does the Senate advise and consent to the executive appointment of  
2 Bob L. Sutton pursuant to the executive message as found on page 124 of the Senate Journal?"

3 And the roll being called:

4 Yeas 34, Nays 0, Excused 1, Absent 0

5 Yeas:

6 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
7 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
8 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
9 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; Welke; White

10 Excused:

11 Van Gerpen

12 So the question having received an affirmative vote of a majority of the members-elect, the  
13 President declared the appointment confirmed.

14 The Senate proceeded to the consideration of the executive appointment of James S.  
15 Towler of Union County, Dakota Dunes, South Dakota, to the South Dakota Lottery  
16 Commission.

17 The question being "Does the Senate advise and consent to the executive appointment of  
18 James S. Towler pursuant to the executive message as found on page 126 of the Senate  
19 Journal?"

20 And the roll being called:

21 Yeas 33, Nays 0, Excused 2, Absent 0

22 Yeas:

23 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
24 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
25 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
26 Rhoden; Soholt; Solano; Tidemann; Tieszen; Vehle; Welke; White

27 Excused:

28 Sutton; Van Gerpen

29 So the question having received an affirmative vote of a majority of the members-elect, the  
30 President declared the appointment confirmed.

31 The Senate proceeded to the consideration of the executive appointment of Marcia  
32 Hultman of Hughes County, Pierre, South Dakota, as the Secretary of the Department of Labor  
33 and Regulation.

1       The question being "Does the Senate advise and consent to the executive appointment of  
2 Marcia Hultman pursuant to the executive message as found on page 127 of the Senate  
3 Journal?"

4       And the roll being called:

5       Yeas 33, Nays 0, Excused 2, Absent 0

6       Yeas:

7 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
8 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
9 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
10 Rhoden; Soholt; Solano; Tidemann; Tieszen; Vehle; Welke; White

11       Excused:

12 Sutton; Van Gerpen

13       So the question having received an affirmative vote of a majority of the members-elect, the  
14 President declared the appointment confirmed.

15       The Senate proceeded to the consideration of the executive appointment of Ronald  
16 Wheeler of Lawrence County, Lead, South Dakota, to the South Dakota Science and  
17 Technology Authority.

18       The question being "Does the Senate advise and consent to the executive appointment of  
19 Ronald Wheeler pursuant to the executive message as found on page 126 of the Senate  
20 Journal?"

21       And the roll being called:

22       Yeas 33, Nays 0, Excused 2, Absent 0

23       Yeas:

24 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
25 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
26 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
27 Rhoden; Soholt; Solano; Tidemann; Tieszen; Vehle; Welke; White

28       Excused:

29 Sutton; Van Gerpen

30       So the question having received an affirmative vote of a majority of the members-elect, the  
31 President declared the appointment confirmed.

1                   **CONSIDERATION OF REPORTS OF COMMITTEES**

2           Sen. Rave moved that the reports of the Standing Committees on  
3           Judiciary on SB 2 as found on page 124 of the Senate Journal; also  
4           Judiciary on SB 7 as found on page 125 of the Senate Journal; also  
5           Judiciary on SB 3 as found on page 125 of the Senate Journal; also  
6           Commerce and Energy on SB 29 as found on page 126 of the Senate Journal be adopted.  
7           Which motion prevailed.

8                   **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

9           SB 107 Introduced by: Senator Rave and Representative Cronin

10          FOR AN ACT ENTITLED, An Act to accommodate legislation on the state aid to  
11          education formula and to make an appropriation therefor.

12          Was read the first time and referred to the Committee on State Affairs.

13          SB 108 Introduced by: Senator Rave and Representative Cronin

14          FOR AN ACT ENTITLED, An Act to accommodate legislation on medical services.

15          Was read the first time and referred to the Committee on State Affairs.

16          SB 109 Introduced by: Senator Rave and Representative Cronin

17          FOR AN ACT ENTITLED, An Act to accommodate legislation on education in South  
18          Dakota.

19          Was read the first time and referred to the Committee on State Affairs.

20          SB 110 Introduced by: Senator Kirkeby and Representative Stalzer

21          FOR AN ACT ENTITLED, An Act to evaluate the health insurance contributions for state  
22          employees.

23          Was read the first time and referred to the Committee on State Affairs.

1 SB 111 Introduced by: Senators Kirkeby, Frerichs, and Maher and Representatives Hajek,  
2 Feickert, Hoffman, Peterson, and Tulson

3 FOR AN ACT ENTITLED, An Act to revise certain property tax limitations.

4 Was read the first time and referred to the Committee on Appropriations.

5 SB 112 Introduced by: Senators Monroe, Jensen, Lederman, Otten (Ernie), Rampelberg,  
6 and Van Gerpen and Representatives Greenfield, Craig, Haggar (Don), Haggar (Jenna),  
7 Schoenfish, Steele, and Wick

8 FOR AN ACT ENTITLED, An Act to prohibit schools from preventing the instruction of  
9 intelligent design.

10 Was read the first time and referred to the Committee on Education.

11 SB 113 Introduced by: Senators Rave, Brown, Heineman (Phyllis), Otten (Ernie), Peters,  
12 Rampelberg, Soholt, Solano, Tieszen, and Welke and Representatives Langer, Bolin, Hoffman,  
13 Kaiser, Olson (Betty), Rounds, Schaefer, and Sly

14 FOR AN ACT ENTITLED, An Act to revise the minimum suspension requirements for  
15 students participating in extracurricular activities.

16 Was read the first time and referred to the Committee on Education.

17 SB 114 Introduced by: Senators Brown, Buhl O'Donnell, Curd, Ewing, Frerichs, Heineman  
18 (Phyllis), Jensen, Jones (Tom), Kirkeby, Krebs, Lucas, Monroe, Peters, Rampelberg, Sutton,  
19 Tidemann, and Tieszen and Representatives Cronin, Bartling, Dryden, Duvall, Feinstein,  
20 Gibson, Haggar (Don), Hajek, Hoffman, Hunhoff (Bernie), Johns, Kopp, Lust, Mickelson,  
21 Munsterman, Novstrup (David), Olson (Betty), Rasmussen, Romkema, Rounds, Rozum,  
22 Russell, Sly, Stevens, Tulson, Verchio, Westra, Wick, and Wink

23 FOR AN ACT ENTITLED, An Act to establish a wine direct shipper license and to  
24 provide for certain direct shipments of wine.

25 Was read the first time.

26 SB 115 Introduced by: Senators Maher, Begalka, Buhl O'Donnell, Holien, Jensen, Jones  
27 (Chuck), and Lederman and Representatives Conzet, Cammack, Greenfield, Hawley,  
28 Kirschman, Nelson, Rounds, and Solum

29 FOR AN ACT ENTITLED, An Act to provide for travel insurance and regulate travel  
30 insurance retailers.

1 Was read the first time and referred to the Committee on Commerce and Energy.

2 SB 116 Introduced by: Senators Maher and Brown and Representative Cronin

3 FOR AN ACT ENTITLED, An Act to deposit certain abandoned property into the building  
4 South Dakota fund.

5 Was read the first time and referred to the Committee on State Affairs.

6 SB 117 Introduced by: Senators Maher, Bradford, Novstrup (Al), and Welke and  
7 Representatives Hajek, Feickert, Novstrup (David), Peterson, Tulson, and Wismer

8 FOR AN ACT ENTITLED, An Act to establish a county highway capital improvement  
9 fund and to levy a capital improvement property tax for county highways, secondary roads,  
10 bridges, and culverts.

11 Was read the first time and referred to the Committee on Local Government.

12 SB 118 Introduced by: Senators Tieszen, Begalka, Bradford, Frerichs, Kirkeby, and Vehle  
13 and Representatives Feinstein, Erickson, Johns, and Stevens

14 FOR AN ACT ENTITLED, An Act to revise certain criminal penalties for intentional  
15 damage to private property.

16 Was read the first time.

17 SB 119 Introduced by: Senators Jones (Chuck), Bradford, Brown, Buhl O'Donnell,  
18 Frerichs, Holien, Jones (Tom), Lederman, Lucas, Maher, Novstrup (Al), Otten (Ernie), Rave,  
19 Tieszen, Welke, and White and Representatives Heinert, Anderson, Feickert, Feinstein, Gibson,  
20 Hawks, Hunhoff (Bernie), Killer, Kirschman, Olson (Betty), Parsley, Peterson, Ring, Schrempp,  
21 Soli, and Tyler

22 FOR AN ACT ENTITLED, An Act to update and revise the statutes relating to the South  
23 Dakota Board on Geographic Names.

24 Was read the first time and referred to the Committee on State Affairs.

25 SB 120 Introduced by: Senators Novstrup (Al), Brown, Heineman (Phyllis), Holien,  
26 Kirkeby, Maher, Rhoden, Tidemann, Tieszen, Van Gerpen, and White and Representatives  
27 Greenfield, Bolin, Carson, Ecklund, Haggard (Don), Hawley, Heinemann (Leslie), Hunhoff  
28 (Bernie), Kaiser, Latterell, Munsterman, Rounds, Schaefer, and Steele



1 FOR AN ACT ENTITLED, An Act to provide for the registration and administration of  
2 navigators under the federal Patient Protection and Affordable Care Act and to declare an  
3 emergency.

4 Was read the first time and referred to the Committee on Commerce and Energy.

5 SB 121 Introduced by: Senator Rave and Representative Lust

6 FOR AN ACT ENTITLED, An Act to appropriate money to the Board of Regents to fund  
7 the comprehensive science expansion at Northern State University, and to declare an emergency.

8 Was read the first time and referred to the Committee on Appropriations.

9 SB 122 Introduced by: Senators Sutton, Bradford, Brown, Frerichs, Jones (Tom), Kirkeby,  
10 Krebs, Lederman, Lucas, Maher, Peters, Rave, Tidemann, and Welke and Representatives  
11 Bartling, Feickert, Heinert, Hickey, Hoffman, Hunhoff (Bernie), Mickelson, Parsley, Peterson,  
12 Ring, and Tyler

13 FOR AN ACT ENTITLED, An Act to require health insurers to cover audiology services  
14 for children

15 Was read the first time and referred to the Committee on Commerce and Energy.

16 SB 123 Introduced by: Senators Kirkeby, Begalka, Ewing, Holien, Jensen, Krebs,  
17 Lederman, Maher, Monroe, Novstrup (Al), Omdahl, Otten (Ernie), Rampelberg, Rhoden, and  
18 Van Gerpen and Representatives Nelson, Anderson, Campbell, Craig, Dryden, Ecklund,  
19 Erickson, Greenfield, Haggar (Don), Haggar (Jenna), Heinemann (Leslie), Hickey, Hoffman,  
20 Kaiser, Kopp, Langer, Latterell, Mickelson, Munsterman, Novstrup (David), Olson (Betty),  
21 Otten (Herman), Qualm, Rasmussen, Rozum, Russell, Schaefer, Schoenfish, Stalzer, Steele,  
22 Stevens, Tulson, Verchio, Werner, and Westra

23 FOR AN ACT ENTITLED, An Act to require the Department of Social Services to  
24 develop a procedure to screen and test applicants for certain financial assistance benefits to  
25 determine if the applicants are using controlled substances.

26 Was read the first time and referred to the Committee on Health and Human Services.

27 The following bills were read on January 15, and today the President Pro tempore assigned  
28 these bills to committee.

29 SB 54 was referred to the Committee on Transportation.

30 SB 59 was referred to the Committee on Transportation.

1                   **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2           HB 1009: FOR AN ACT ENTITLED, An Act to repeal the creation of the commemorative  
3 medallion fund.

4           Was read the first time and referred to the Committee on Appropriations.

5           HB 1010: FOR AN ACT ENTITLED, An Act to repeal the tree nursery reserve fund.

6           Was read the first time and referred to the Committee on Appropriations.

7           HB 1013: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building  
8 Authority to finance the construction of improvements in the state park system for the  
9 Department of Game, Fish and Parks and to declare an emergency.

10          Was read the first time and referred to the Committee on Appropriations.

11          HB 1022: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to  
12 purchase improved property in Spearfish and to make an appropriation therefor.

13          Was read the first time and referred to the Committee on Appropriations.

14          HB 1032: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
15 children placed in residential treatment centers or intensive residential treatment centers.

16          Was read the first time and referred to the Committee on Education.

17          HB 1036: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
18 billboard permitting process.

19          Was read the first time and referred to the Committee on Transportation.

20          HB 1046: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
21 licenses issued by the State Plumbing Commission and the fees that may be set by the  
22 commission.

23          Was read the first time and referred to the Committee on Commerce and Energy.

24          HB 1049: FOR AN ACT ENTITLED, An Act to establish and revise certain provisions  
25 regarding the South Dakota Athletic Commission.

1 Was read the first time and referred to the Committee on Commerce and Energy.

2 HB 1057: FOR AN ACT ENTITLED, An Act to repeal certain provisions imposing the  
3 inheritance tax and the estate tax.

4 Was read the first time and referred to the Committee on Taxation.

5 HB 1070: FOR AN ACT ENTITLED, An Act to sunset certain tax refund claims for an  
6 economic development incentive program that has been previously terminated and to declare  
7 an emergency.

8 Was read the first time and referred to the Committee on Taxation.

9 **SECOND READING OF CONSENT CALENDAR ITEMS**

10 Sen. Brown requested that SB 5 be removed from the Consent Calendar.

11 Pursuant to Senate Rule 6-1, the President removed SB 5 from the Consent Calendar.

12 Sen. Rave moved that SB 5 be deferred to Monday, February 10<sup>th</sup>, the 17<sup>th</sup> legislative day.

13 Which motion prevailed.

14 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

15 SB 76: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the  
16 killing of mountain lions that threaten personal safety or property.

17 Was read the second time.

18 76oa

19 Sen. Vehle moved that SB 76 be amended as follows:

20 On page 1, line 5, of the printed bill, delete everything after "lion" and insert "if any time  
21 it is".

22 Which motion prevailed.

23 The question being "Shall SB 76 pass as amended?"

1 And the roll being called:

2 Yeas 21, Nays 13, Excused 1, Absent 0

3 Yeas:

4 Begalka; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Jensen; Jones (Tom); Krebs;  
5 Lederman; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Rampelberg; Rave; Rhoden;  
6 Soholt; Vehle; Welke

7 Nays:

8 Bradford; Buhl O'Donnell; Curd; Hunhoff (Jean); Jones (Chuck); Kirkeby; Lucas; Peters;  
9 Solano; Sutton; Tidemann; Tieszen; White

10 Excused:

11 Van Gerpen

12 So the bill having received an affirmative vote of a majority of the members-elect, the  
13 President declared the bill passed and the title was agreed to.

14 **COMMEMORATION**

15 SC 4 Introduced by: Senators Holien, Frerichs, Novstrup (Al), Omdahl, Otten (Ernie), and  
16 Sutton and Representatives Wick, Feickert, Hagggar (Jenna), Magstadt, Novstrup (David),  
17 Solum, Steele, and Wismer

18 A LEGISLATIVE COMMEMORATION, Honoring Madison Mead of Sioux Falls, South  
19 Dakota, as Girls State Governor, and Tyson Mitzel of Westport, South Dakota, as Boys  
20 State Governor, and commending the South Dakota American Legion and Auxiliary for  
21 their sponsorship and coordination of the Girls State and Boys State programs.

22 WHEREAS, Madison Mead and Tyson Mitzel have been selected and are serving in the  
23 offices of Girls State Governor and Boys State Governor and are outstanding young South  
24 Dakota leaders; and

25 WHEREAS, the goals of Boys State and Girls State are to help youth understand and  
26 appreciate the American system of government and way of life, including the rights and  
27 responsibilities of citizenship and to give better knowledge of the fundamental principles of  
28 government within the state of South Dakota through a unique, learn-by-doing workshop; and

29 WHEREAS, the South Dakota American Legion and Auxiliary have worked diligently for  
30 more than seventy years in conducting these fine programs:

31 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Ninth Legislature of the  
32 State of South Dakota, that Madison Mead and Tyson Mitzel are to be congratulated for their  
33 outstanding achievement, that appreciation is extended to those adults who donate time and

1 energy to the program, and that the South Dakota American Legion and Auxiliary are  
2 recognized for their many years of sponsoring and conducting Boys State and Girls State.

3 Sen. Hunhoff (Jean) moved that the Senate do now adjourn, which motion prevailed and  
4 at 3:28 p.m. the Senate adjourned.

5 Jeannette Schipper, Secretary

